

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL NO. 1:08CV442-T-02  
(1:05CR31-2-T)**

**MARTINEOUS LEON HOPPER,**

**Petitioner,**

**VS.**

**UNITED STATES OF AMERICA,**

**Respondent.**

## JUDGMENT

For the reasons set forth in the Memorandum and Order filed herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Petitioner's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 is **ALLOWED**, and the Petitioner's 262-month sentence is **VACATED**.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that  
Petitioner's conviction will remain undisturbed and he will remain in the  
custody of the Bureau of Prisons pending his resentencing.

The Court will schedule the Petitioner's resentencing hearing by separate order.

Signed: May 27, 2009

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

